

# **EXHIBIT W**

**In The Matter Of:**

*Constantino v.  
City of Atlantic City*

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*Gena L. Dorn*

*July 29, 2015*

*Confidential*

COPY

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DIRECT - BONJEAN

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1 I really don't remember. I know that I was  
 2 directed to go to that four -- four-day course.  
 3 Q. Okay. Let's then move to your second  
 4 stint in internal affairs, which I think we have  
 5 figured out was sometime in December of 2013; is  
 6 that right?  
 7 A. Yes.  
 8 Q. Okay. And you were assigned from court  
 9 liaison to internal affairs, that's where you  
 10 came from, right?  
 11 A. Yes.  
 12 Q. And who -- who was responsible for  
 13 assigning you to internal affairs, if you know?  
 14 A. Chief Henry White.  
 15 Q. Did you ask to go to internal affairs?  
 16 A. No.  
 17 Q. Did you want to go to internal affairs?  
 18 A. No.  
 19 Q. Did you have any conversations with  
 20 either Chief White or any of your supervisors  
 21 about that assignment?  
 22 A. Yes.  
 23 Q. Okay. And who did you speak to?  
 24 A. The chief himself.  
 25 Q. What did you say to the chief about that

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1 A. (Witness shaking head negatively.)  
 2 Q. Okay. But he at some point approached  
 3 you informally and said, "I want to assign you to  
 4 internal affairs or I'm going to assign you to  
 5 internal affairs," which one was it? Was he  
 6 asking permission or was he just telling you this  
 7 was happening?  
 8 MS. RILEY: Objection to the form.  
 9 You can answer.  
 10 A. Something in the order of I need you to  
 11 do -- I need -- I need you to do something for  
 12 me. Something, you know, along that line.  
 13 BY MS. BONJEAN:  
 14 Q. Okay. And -- and did he say why he  
 15 wanted you to go back into internal affairs?  
 16 A. I believe he said experience. "I  
 17 need -- I need an experienced person."  
 18 Q. Did he say why he wanted an experienced  
 19 person in internal affairs?  
 20 A. I don't recall.  
 21 Q. Did he communicate anything to you  
 22 regarding an effort to improve internal affairs?  
 23 MS. RILEY: Object to the form.  
 24 You can answer.  
 25 A. He could have. He could have.

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1 assignment?  
 2 A. I asked him to reconsider.  
 3 Q. When you asked him to reconsider, did  
 4 you do that in an informal way, or did you do  
 5 that through a to-from memo or anything that  
 6 would memorialize that request -- or e-mail?  
 7 A. He informally approached me at some  
 8 point and during that conversation I asked.  
 9 Q. Okay. When he informally approached you  
 10 what was the sum and substance of your  
 11 conversation?  
 12 A. "Please don't do it."  
 13 Q. Well, did he tell you why he wanted to  
 14 assign you to internal affairs?  
 15 A. Experience.  
 16 Q. I'm guessing he approached you  
 17 informally because he knew it would not  
 18 necessarily be a well-received assignment,  
 19 correct?  
 20 A. I don't --  
 21 MS. RILEY: Objection to form.  
 22 You can answer.  
 23 A. I don't know.  
 24 BY MS. BONJEAN:  
 25 Q. You don't know?

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1 BY MS. BONJEAN:  
 2 Q. Did you have an understanding either  
 3 from the chief himself or anybody that there was  
 4 an effort on the part of the higher --  
 5 higher-ranked officers to make internal affairs  
 6 more effective?  
 7 A. Yes.  
 8 Q. Where did you get that understanding?  
 9 A. Probably my superiors.  
 10 Q. Do you remember who your superiors were  
 11 at that time?  
 12 A. Lieutenant Bridgett Pierce.  
 13 Q. And how did you get that understanding  
 14 from her?  
 15 A. I'm sure at some point I expressed, you  
 16 know, that I didn't want to be there. You know,  
 17 I'm sure it could have been an informal  
 18 conversation or formal. I don't recall.  
 19 Q. When you said you expressed you didn't  
 20 want to be there, are you talking about during  
 21 the period of time you were there the second time  
 22 or the first time?  
 23 A. The second time.  
 24 Q. Okay. But even prior to being  
 25 reassigned there by the chief, did you have any

<p>DIRECT - BONJEAN Page 49</p> <p>1 other understanding or receive any information or 2 communication that the department was going to be 3 revamping internal affairs? 4 MS. RILEY: Object to the form. 5 MR. GELFAND: Objection as well. 6 MS. RILEY: You can answer. 7 A. Prior to? 8 BY MS. BONJEAN: 9 Q. Yeah. 10 A. No. 11 Q. If your conversation with Chief White 12 when he approached you, was that the first time 13 that you had learned that he was interested in 14 putting you back in internal affairs? 15 A. Yes. 16 Q. Okay. Do you remember where you were 17 when you had this conversation? 18 A. His promotional ceremony. 19 Q. Okay. And what's a promotional 20 ceremony? 21 A. He was being sworn in as the chief of 22 police. 23 Q. Oh. So during the promotional ceremony 24 when he was being sworn in as chief he approached 25 you at that -- I guess for lack of a better</p>	<p>DIRECT - BONJEAN Page 51</p> <p>1 conversation, why was it that you did not want to 2 go back to internal affairs? 3 A. Because I spent five years in there 4 prior to. 5 Q. And some people like to stay put, some 6 people don't. But there might be reasons that 7 dictate that. Were you just tired of it or can 8 you elaborate on why it is you didn't want to go 9 back? 10 A. Five years is a long time for most 11 people to spend in the unit that's as demanding 12 as that unit is. 13 Q. Uh-huh. So it's a demanding unit? 14 A. Yes. 15 Q. Why would you call it a demanding unit? 16 A. Because of the caseload. 17 Q. When you say, "demanding," do you mean 18 it's just a lot of work? 19 A. It's a lot of work, definitely. 20 Q. Okay. 21 A. It's just -- it's -- it's a lot of work. 22 But it -- I'm not afraid of work, so I don't want 23 to suggest that. 24 Q. No. And don't -- and I'm not suggesting 25 that either. I'm just trying to understand what</p>
<p>DIRECT - BONJEAN Page 50</p> <p>1 word -- celebration? 2 A. Yes. 3 Q. And he told you, listen, I'm going to be 4 looking for you to do this or would like you to 5 do this? 6 A. Yes. 7 Q. And at that point did you communicate to 8 him that you did not want to be reassigned to 9 internal affairs? 10 A. Yes. 11 Q. And did you tell him why you did not 12 want to be reassigned to internal affairs? 13 A. Yeah. 14 Q. And what did you say? 15 A. I said a lot. Probably said that we had 16 made great strides in, you know, the position 17 that I was currently serving in or the 18 assignment, correct, that I was currently serving 19 in and there was more work to do. 20 Amongst, you know, other things I'm 21 sure. Because I know that we talked for a while. 22 I just don't remember -- we kept getting 23 interrupted because, of course, people were 24 congratulating him and things of that nature. 25 Q. Well, rather than just reflecting on the</p>	<p>DIRECT - BONJEAN Page 52</p> <p>1 you mean by demanding. By demanding you mean 2 there is a lot of hours involved? 3 A. It's a lot of stress involved. 4 Q. Stress. 5 A. Yeah, there are a lot of hours involved 6 that you don't normally always put in for, you 7 know. 8 Q. Uh-huh. 9 Why is there so much stress associated 10 with internal affairs investigations? 11 A. Well, it's not a unit where you're going 12 to make many friends, first of all. 13 Q. Uh-huh. 14 A. And it's just -- it's just not a very 15 popular unit, you know. It's a good unit to 16 learn. You know, you'll learn a lot there, as 17 you will in any other unit, I'm sure. But it can 18 be taxing on personal relationships and 19 work-related relationships. 20 Q. That makes sense. 21 I'm assuming that it's not a position 22 that people seek very often? 23 A. Not very often. 24 Q. It's not someone people sign up for, 25 there's lines of people signing up for, right?</p>

<p>DIRECT - BONJEAN Page 53</p> <p>1 A. Right.</p> <p>2 Q. You don't have to send a memo up the</p> <p>3 chain to request for a recommendation to get in</p> <p>4 there, do you?</p> <p>5 A. I didn't.</p> <p>6 Q. Okay. So you expressed to Chief White</p> <p>7 your lack of enthusiasm for lack of a better word</p> <p>8 for taking on that position again, right?</p> <p>9 A. Right.</p> <p>10 Q. It sounds as though he reassigned you</p> <p>11 anyway to -- back to internal affairs, right?</p> <p>12 A. Right.</p> <p>13 Q. When you went back to internal affairs</p> <p>14 in early 2013, who else was in internal affairs?</p> <p>15 A. Captain Gregory Anderson was assigned --</p> <p>16 reassigned there.</p> <p>17 Q. Was he the commander?</p> <p>18 A. He was the commander.</p> <p>19 Q. Okay.</p> <p>20 A. Lieutenant Bridgett Pierce, was the</p> <p>21 lieutenant there. Detective Gregory Ingram was</p> <p>22 there. Then we have Sergeants Jerry String,</p> <p>23 Robert McCready, Howard Johnson, Gregory</p> <p>24 Atkinson.</p> <p>25 Q. You also --</p>	<p>DIRECT - BONJEAN Page 55</p> <p>1 A. Whew. Do you mean -- okay. Let's</p> <p>2 see -- I don't know. I don't recall exactly what</p> <p>3 I told her. It was just she knew that I wasn't</p> <p>4 happy with the reassignment. But that I would do</p> <p>5 what I was -- you know, what there was to do,</p> <p>6 which was my job.</p> <p>7 Q. Okay. In addition to just the fact that</p> <p>8 it was stressful and demanding, were there any</p> <p>9 other factors that made you dissatisfied with the</p> <p>10 assignment?</p> <p>11 A. Oh, let's see, do you mean the first</p> <p>12 time around?</p> <p>13 Q. No, the second time.</p> <p>14 A. Wow. Probably.</p> <p>15 Q. And what are those factors?</p> <p>16 A. I didn't always agree with the final</p> <p>17 disposition of cases. I can't tell you which</p> <p>18 ones in particular right now. But I do remember</p> <p>19 that that was an issue.</p> <p>20 Q. And did you get this opinion from having</p> <p>21 worked in internal affairs from your -- well</p> <p>22 strike.</p> <p>23 Not an opinion, I don't want to misstate</p> <p>24 your testimony. Did you develop those feelings</p> <p>25 of dissatisfaction as a result of your prior</p>
<p>DIRECT - BONJEAN Page 54</p> <p>1 A. And --</p> <p>2 Q. Is that it?</p> <p>3 A. And myself.</p> <p>4 Q. And yourself?</p> <p>5 A. Yeah.</p> <p>6 Q. Okay. You also referenced that at some</p> <p>7 point you did speak with your direct superior,</p> <p>8 which I'm assuming was Lieutenant Pierce, right?</p> <p>9 A. Yes.</p> <p>10 Q. About your dissatisfaction with the</p> <p>11 assignment, right?</p> <p>12 A. Yes.</p> <p>13 Q. And what did you communicate to her --</p> <p>14 well, let me just ask you this first: Did you</p> <p>15 have more than one conversation about it?</p> <p>16 A. Probably.</p> <p>17 Q. Okay. And did you tell her that you</p> <p>18 were not happy with the assignment?</p> <p>19 MS. RILEY: Object to the form.</p> <p>20 You can answer.</p> <p>21 A. Yes.</p> <p>22 BY MS. BONJEAN:</p> <p>23 Q. Okay. What did you tell her, as much as</p> <p>24 you remember about your feelings about the</p> <p>25 assignment with internal affairs?</p>	<p>DIRECT - BONJEAN Page 56</p> <p>1 experience in internal affairs?</p> <p>2 A. I don't think so.</p> <p>3 Q. Okay. You testified that you didn't</p> <p>4 always agree with the final dispositions. When</p> <p>5 you were, working in internal affairs, who was</p> <p>6 responsible for making a determination of a</p> <p>7 disposition?</p> <p>8 A. The ultimate decision lies with the</p> <p>9 chief.</p> <p>10 Q. All right. As an investigator, what was</p> <p>11 your role in entering dispositions; was it like a</p> <p>12 recommendation?</p> <p>13 MS. RILEY: Object to the form.</p> <p>14 You can answer.</p> <p>15 A. I would have to say yes. And I'm</p> <p>16 hesitant to say that only because I just don't</p> <p>17 know if I would use the word "recommendations."</p> <p>18 But yeah.</p> <p>19 BY MS. BONJEAN:</p> <p>20 Q. Well, what word would you use?</p> <p>21 A. That's a good question.</p> <p>22 Q. If you don't give me the word, I just</p> <p>23 start making things up and you just have to agree</p> <p>24 or disagree and then we're here all day. So it's</p> <p>25 better if you can come up with the word and let</p>



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1 me know how you would describe it. If you can't,  
2 you can't.  
3 A. We can use that word if you like.  
4 Q. Okay. So just -- and just so I'm clear:  
5 The ultimate decision-making authority about  
6 whether or not a complaint is sustained, not  
7 sustained, unfounded, rests with the chief; is  
8 that right?  
9 A. Yes.  
10 Q. Okay. And as an investigator in the  
11 internal affairs unit, you can and do make a  
12 either recommendation or an assessment of what  
13 you think the finding should be, right?  
14 A. Yes.  
15 Q. Okay. And once you do that, who reviews  
16 your recommendation or assessment, whatever word  
17 we want to use?  
18 A. A series of people.  
19 Q. Okay. Does it go up the chain of  
20 command, essentially?  
21 A. Goes up the chain.  
22 Q. So you might do an investigation, reach  
23 a conclusion of sorts, right?  
24 A. Yes.  
25 Q. Based on your assessment?

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1 MS. RILEY: Object to the form.  
2 You can answer.  
3 A. Yes.  
4 BY MS. BONJEAN:  
5 Q. Okay. And then your lieutenant would  
6 review it; is that fair to say?  
7 A. Sometimes.  
8 Q. Okay. You send it up the chain for  
9 review, right?  
10 A. Right.  
11 Q. You don't know who necessarily looks at  
12 it, but you do know that eventually the chief  
13 either signs off on it or doesn't sign off on it;  
14 is that right?  
15 A. Right.  
16 Q. Can you remember any occasion in your  
17 history in internal affairs, either your first  
18 time in internal affairs or your second time in  
19 internal affairs, where you made an assessment or  
20 a recommendation regarding a finding and it was  
21 changed by someone up the chain of command?  
22 MR. GELFAND: Objection.  
23 You can answer.  
24 A. Yes.  
25 BY MS. BONJEAN:

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1 Q. Okay. Can you rec -- do you recall how  
2 many times that happened in the course of your  
3 career?  
4 A. I don't recall.  
5 Q. Do you know if it was a hundred times?  
6 A. No, I don't recall. I'm sure it wasn't,  
7 no, it wasn't a hundred times.  
8 Q. I'm just trying to get the outer limits  
9 here.  
10 Was it 50 times?  
11 A. I don't believe so.  
12 Q. Do you think it was below 50 times?  
13 A. Yes.  
14 Q. Do you think it was below 40 times?  
15 A. It may be a handful --  
16 Q. Okay.  
17 A. -- if -- if that.  
18 Q. Okay. So roughly a handful, if that?  
19 A. (Witness nodding head affirmatively.)  
20 Q. Okay. And can you remember any one of  
21 those handful of occasions in any specificity  
22 when a recommendation you made was changed by a  
23 higher-ranking officer?  
24 MR. GELFAND: Objection.  
25 You can answer.

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1 A. Yes. One right now --  
2  
3 BY MS. BONJEAN:  
4 Q. Okay.  
5 A. -- I can think of.  
6 Q. And can you tell me what officer that  
7 involved?  
8 A. Wow. Let's see, that involved -- the  
9 target officer?  
10 Q. Yes.  
11 A. There were numerous officers. Sergeant  
12 [REDACTED] and several  
13 officers under their direction, immediate  
14 direction -- or supervision.  
15 Q. Well, what were -- what were the  
16 facts -- what did the complaint involve? Was it  
17 an excessive force, false arrest. Do you know  
18 what the complaint involved?  
19 A. It -- let's see, I believe it was some  
20 sort of violation of the complainant's civil  
21 rights. Improper search.  
22 Q. Okay. You do recall that it involved a  
23 civilian complainant, right?  
24 A. Yes.  
25 Q. Okay. And you think it may have had to

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1 do with an improper search?  
 2 A. Yes.  
 3 Q. And do you know whether or not this  
 4 occurred during your first experience with  
 5 internal affairs or your second?  
 6 A. My second.  
 7 Q. Okay.  
 8 A. That's the only reason I can probably  
 9 recall.  
 10 Q. All right.  
 11 A. To be honest with you.  
 12 Q. And what do you remember about the  
 13 underlying facts of that complaint by the  
 14 civilian?  
 15 A. Oh, lord. The civilians were husband  
 16 and wife, and they believed that the officers --  
 17 okay, so it was an improper entry and improper  
 18 search. They believed that officers entered and  
 19 searched their home illegally or unlawfully.  
 20 Q. And do you remember what officers  
 21 executed the search?  
 22 A. Not off the top of my head.  
 23 Q. All right.  
 24 A. They were all deemed principal officers,  
 25 so there was a list of them.

DIRECT - BONJEAN

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1 Q. Or you did an investigation of the  
 2 complaint made by the husband and wife team,  
 3 right?  
 4 A. Right.  
 5 Q. And after you did your investigation,  
 6 did you make a recommendation that the findings  
 7 be sustained?  
 8 A. Against two of the officers, yes.  
 9 Q. Okay. Which officers?  
 10 A. The sergeants.  
 11 Q. Okay.  
 12 Did you do that in written form?  
 13 A. Yes.  
 14 Q. And I'm going to have you look at  
 15 Dorn-1. Just as -- for the moment for just  
 16 demonstrative purposes.  
 17 You can look at that. This is an  
 18 internal affairs report, right?  
 19 A. A copy of one, yeah.  
 20 Q. A copy of one.  
 21 Did you prepare an internal affairs  
 22 report for the case that you referenced regarding  
 23 this husband-wife team that looks like there's a  
 24 course of different information?  
 25 A. Yes.

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1 Q. Okay. Do any of the officers stick out  
 2 in your mind as you sit here today?  
 3 A. They were officers in our tactical unit.  
 4 I remember [REDACTED]  
 5 were on-scene, both sergeants.  
 6 And I remember Officer -- I want to say  
 7 [REDACTED] and for some reason right now  
 8 that's all I can remember. I can't remember if  
 9 there was a list of others.  
 10 Q. Officer Wheaten?  
 11 A. No, I don't believe so.  
 12 Q. And given the relatively short period of  
 13 time you spent in internal affairs before your  
 14 retirement, would you estimate that this occurred  
 15 in 2014, then?  
 16 A. Yes.  
 17 Q. You started in late 2013, you retired in  
 18 February of 2015. I guess I'm focused on the  
 19 outer limits of those things, probably happened  
 20 in 2014, right?  
 21 A. Yes.  
 22 Q. And so you did an investigation of this  
 23 husband and wife team who claimed that their  
 24 house had been unlawfully searched?  
 25 A. Yes.

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1 Q. Okay. And at the end -- if you look at  
 2 page -- it's Bates Stamped 1277. That's the big  
 3 Bates Stamped at the end. Do you see that?  
 4 A. Yes.  
 5 Q. Okay. And at the end it says,  
 6 "investigation completed by Sergeant Gena Dorn."  
 7 Do you see that?  
 8 A. Yes.  
 9 Q. And it has your signature there?  
 10 A. Yes.  
 11 Q. All right. Did you sign the internal  
 12 affairs report as it related to this other case  
 13 that you were testifying in a similar fashion as  
 14 you did in this report?  
 15 A. Yes.  
 16 Q. And if you see immediately above it, it  
 17 says -- in this particular case, on this document  
 18 you're looking at, it says, "Number 1, one  
 19 excessive force is not sustained; 2, performance  
 20 of duty is not sustained."  
 21 Do you see that?  
 22 A. Yes.  
 23 Q. All right. Did you also make a finding  
 24 like that with respect to the case that you  
 25 investigated regarding this husband-wife team?

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<p>DIRECT - BONJEAN Page 65</p> <p>1 MR. GELFAND: Objection. Form. 2 You can answer. 3 MS. RILEY: Object to the form. 4 A. If you're asking if I made a 5 recommendation of sustained, not sustained -- 6 BY MS. BONJEAN: 7 Q. Yes. 8 A. -- and the other? Yes. 9 Q. Okay. So if I were to look at the 10 internal affairs report of this husband and wife 11 who has complained about their home being 12 illegally searched which involved Sergeants Fair 13 and I can't remember the last -- 14 A. [REDACTED] 15 Q. [REDACTED] If I looked at that report 16 and I looked at this page of that report, would 17 it have your name and signature with charge of 18 excessive force and performance of -- I'm 19 sorry -- strike that. Let me start over. 20 If I looked at the signature page of 21 that report related to the incident regarding the 22 husband-wife team and the search, would it have 23 sustained findings as it related to the 24 complaint -- the complaint that was made? 25 A. I'm sorry, ask that question again,</p>	<p>DIRECT - BONJEAN Page 67</p> <p>1 would it have -- did you write down in that 2 report that the charges were sustained or at 3 least some of the charges were sustained? 4 A. Yes. 5 Q. All right. 6 And then you took your report and you 7 sent it up your chain of command, correct? 8 A. Correct. 9 Q. At some point you learned that the 10 charges had been -- your findings had been 11 overruled, for lack of a better word? 12 A. Yes, at some point. 13 Q. Okay. Do you remember how you found out 14 that your findings had been overruled? 15 A. Wow. That's a good one. No, I don't. 16 I don't. I remember having discussions, but I 17 don't remember how -- 18 Q. Uh-huh. 19 A. -- you know, it came first, if I read 20 it -- 21 Q. Okay. 22 A. -- or if I discussed it with someone 23 first. 24 Q. Okay. And who do you recall having 25 conversations with about the change of the</p>
<p>DIRECT - BONJEAN Page 66</p> <p>1 please. 2 Q. Sure. Let's say -- I don't have that 3 report in front of me, right? 4 A. Right. 5 Q. Okay. So let's just assume for a 6 minute, though, but we've established that it 7 would look, at least in format, like the one that 8 you have in front of you, right? 9 A. Yes. 10 Q. Okay. And there's a page where you sign 11 as the investigator, correct? 12 A. Yes. 13 Q. And you testified that you did sign as 14 the investigator on this other report that I 15 don't have in front of me, right? 16 A. Yes. 17 Q. And it also has immediately above your 18 signature findings, for lack of a better word, 19 okay? 20 A. (Witness nodding head affirmatively.) 21 Q. Is that right? 22 A. Yes. 23 Q. Now, on that report that we've been 24 referencing related to the complaint made by the 25 husband and wife who alleged improper search,</p>	<p>DIRECT - BONJEAN Page 68</p> <p>1 findings? 2 A. Wow. Probably Lieutenant Pierce, 3 Captain Gregory Anderson, that's all -- at some 4 point down the road maybe Chief Pasquale -- 5 Deputy Chief Pasquale. 6 Q. Uh-huh. 7 A. Oh, oh, wow. Wait a minute. You know 8 what? I'm sorry. 9 There are a lot of changes, so I 10 apologize. 11 Q. Sure. That's all right. 12 MR. GELFAND: Just take you time. Try 13 to remember as best you can. 14 THE WITNESS: Okay. 15 A. Let's see, yeah, okay, I'm sorry. 16 Captain Gregory Anderson, Lieutenant Pierce. 17 BY MS. BONJEAN: 18 Q. Uh-huh. 19 A. At some point probably Captain Love and 20 Chief Pasquale. 21 MS. RILEY: And just to be clear, was 22 Anderson in that conversation or not, because 23 I know you indicated Captain Love. 24 THE WITNESS: Did I speak with them all 25 at the same time, do you mean?</p>



<p>DIRECT - BONJEAN Page 69</p> <p>1 MS. RILEY: No, no. Meaning you weren't 2 sure of names, but you indicated Captain Love 3 as well. Was Anderson -- 4 THE WITNESS: Anderson -- 5 MS. RILEY: Correct or not correct in 6 your memory? I just want to be clear. 7 A. They're both correct. 8 BY MS. BONJEAN: 9 Q. Okay. 10 MS. RILEY: Okay. 11 A. I spoke with both of them. At some 12 point Captain Anderson was reassigned. 13 MR. GELFAND: But not necessarily 14 simultaneously. 15 THE WITNESS: Definitely not 16 simultaneous, not simultaneously. Once 17 Captain Love became the commander of internal 18 affairs, I think there may have been a 19 conversation. 20 BY MS. BONJEAN: 21 Q. Okay. When you found out that your 22 finding -- well, strike that. 23 Do you know who was responsible for 24 changing your findings or disagreeing with your 25 findings?</p>	<p>DIRECT - BONJEAN Page 71</p> <p>1 learned that Chief White had not adopted your 2 position, right? 3 MS. RILEY: Object to the form. 4 A. Yes. 5 BY MS. BONJEAN: 6 Q. At some point you learned that? 7 A. Yes. 8 Q. Okay. 9 You don't recall how you learned that if 10 I'm right, right? 11 A. I don't remember -- no, I don't. I know 12 that I -- at some point I probably read it and I 13 also know that there were discussions, like which 14 happened first. I don't know. 15 BY MS. BONJEAN: 16 Q. And when you say, "discussions," can you 17 tell me where or how or there were discussions? 18 A. Wow. Let's see, where and how? 19 Q. Well, let's just start with, you said 20 you remember there were discussions about the 21 change in the findings, right? 22 A. Yes. 23 Q. Okay. Who do you remember having 24 discussions with about this; the people you 25 identified earlier?</p>
<p>DIRECT - BONJEAN Page 70</p> <p>1 A. Chief White. 2 Q. Do you know whether or not as a matter 3 of policy anyone up the chain of command could 4 overrule your findings, other than the chief? 5 A. I believe what could take place is that 6 once the actual case reaches the Atlantic County 7 Prosecutor's office, if there's a problem or an 8 issue, they may perhaps be able to make 9 recommendations back to the chief. 10 Q. Okay. But until it gets to the chief; 11 everyone is just simply making recommendations, 12 right? 13 MR. GELFAND: Objection. Form. 14 You can answer. 15 A. Yes, I guess you could say that. 16 BY MS. BONJEAN: 17 Q. The chief signs off on all -- whether -- 18 all -- strike that. 19 The chief signs off on whether a finding 20 is sustained or not sustained, right? 21 A. Yes. 22 Q. And at some point you learned that with 23 respect to this search in which you had 24 recommended that the finding had been -- findings 25 be sustained, that the charges be sustained, you</p>	<p>DIRECT - BONJEAN Page 72</p> <p>1 A. Yes. 2 Q. Okay. Do you remember having any 3 discussions with the chief himself about his 4 changing the finding? 5 A. I remember making several requests to 6 speak to him, but I never spoke to him. 7 Q. Okay. And why did you make those 8 requests to speak to him? 9 A. Because in my experience -- 10 I can only speak, you know, about my 11 experience. 12 Q. Okay. 13 A. -- the case investigator is the person 14 who has -- who knows more about the case than any 15 other person. So again, in my experience if the 16 chief had any questions or concerns or wanted to 17 get more information, he should speak to actual 18 case detective. 19 Q. And can I assume based on this testimony 20 that at no point prior to overruling your 21 findings did he reach out to speak to you about 22 your investigation as it related to the husband 23 and wife and the complaint of an improper search? 24 A. At no time. 25 Q. When you say you remember reading it,</p>

<p>DIRECT - BONJEAN Page 73</p> <p>1 did you receive some type of notification by 2 paper or e-mail that the changing had been -- 3 changing -- my brain -- strike that. Let's start 4 over. 5 Subsequent to submitting your report, up 6 the chain of command, did you receive any formal 7 notification that the chief had, again, for lack 8 of a better word, either disagreed or refused to 9 adopt your findings? 10 MS. RILEY: Object to the form. 11 You can answer. 12 A. That's one -- I guess the formal 13 notification would have been the actual case 14 returning back to the office with his signature. 15 BY MS. BONJEAN: 16 Q. Okay. Can you look at that report for 17 me and tell me how the report -- when you say, 18 "the case," do you mean the report would have 19 come back -- 20 A. The report. 21 Q. -- with his signature? 22 A. Yes. 23 Q. Okay. And -- and the report would 24 look -- again, not with content, but in format, 25 would look like the one that you're reviewing as</p>	<p>DIRECT - BONJEAN Page 75</p> <p>1 whether they concur with the finding or do not 2 concur, right? 3 A. Yes. 4 Q. And if the chief did not concur he would 5 check the box, "do not concur," right? 6 A. Yes. 7 Q. And then if you look at page -- at Bates 8 Stamped 001280? 9 A. (Witness complies.) 10 Q. Is there also a box there where the 11 chief of police could put -- put his final 12 finding or disposition of the case? 13 A. Yes. 14 Q. All right. 15 So with regard to the case that you're 16 referring to, you received it back and you notice 17 that the chief had not adopted your finding, he 18 did not concur, right? 19 A. Yes. 20 Q. And can I assume that you were 21 displeased with that finding? 22 MS. RILEY: Objection. 23 BY MS. BONJEAN: 24 Q. On his part? 25 MS. RILEY: Object to the form.</p>
<p>DIRECT - BONJEAN Page 74</p> <p>1 Dorn-1? 2 A. Yes. 3 Q. Okay. And tell me where it would be 4 indicated in the report if the chief had 5 disagreed or not adopted your findings -- I see 6 there's like boxes, right? 7 A. Yes. 8 Q. Okay. 9 MS. RILEY: Just for purposes of the 10 record and when we're all reviewing this 11 later, what page of the Bates Stamped 12 document are you referring to, Sergeant Dorn? 13 THE WITNESS: The page I'm referring to 14 on this document is Page 15 of 18. 15 BY MS. BONJEAN: 16 Q. Okay. 17 MS. RILEY: Okay. 18 BY MS. BONJEAN: 19 Q. And 15 of 18 it has what appears to be 20 boxes where different individuals who are up the 21 chain of command sign off on the report, right? 22 A. Yes. 23 Q. And they would, I would assume, affix 24 their signature and indicate in a box whether the 25 case should be returned to the investigator,</p>	<p>DIRECT - BONJEAN Page 76</p> <p>1 A. Yes. 2 3 BY MS. BONJEAN: 4 Q. Okay. And why were you dissatisfied 5 with that finding on the chief -- by the chief? 6 A. I just recall this case getting a lot of 7 attention that I believed to be unnecessary. 8 Q. When you say, "remember it having a lot 9 of attention," what was unique about the case 10 that made it garner so much attention? 11 A. Nothing. 12 Q. So how do you think that came to be, 13 then, that it received so much attention? Do you 14 have a theory about it? 15 A. My theory -- 16 Q. Okay. 17 A. -- would be maybe a few of the target 18 officers. 19 Q. Okay. And when you say, "the target 20 officers," and I -- I don't want to put words in 21 your mouth so you'll have to clarify for me if 22 I'm wrong. But certain target officers had 23 influence? 24 MS. RILEY: Object to the form. 25 MR. GELFAND: Same objection.</p>

<p>DIRECT - BONJEAN Page 77</p> <p>1 A. In one shape or form, yes.</p> <p>2</p> <p>3 BY MS. BONJEAN:</p> <p>4 Q. Okay. And can you -- can you just</p> <p>5 elaborate on that so I'm not putting words in</p> <p>6 your mouth? When you say, "in one shape or</p> <p>7 form," what do you mean?</p> <p>8 A. I -- I don't know that they, you know,</p> <p>9 had any direct interaction or conversations</p> <p>10 with --</p> <p>11 Q. Sure.</p> <p>12 A. -- the chief himself. But, you know,</p> <p>13 everybody knows somebody.</p> <p>14 Q. Okay. And, again, I know this is a</p> <p>15 theory. I know you're not testifying from</p> <p>16 personal knowledge on this.</p> <p>17 A. Okay.</p> <p>18 Q. But it would be to fair to say that you</p> <p>19 were surprised that he didn't concur with your</p> <p>20 finding, right? "He" being the chief?</p> <p>21 A. (No audible response.)</p> <p>22 Q. Well, let me -- let me strike that</p> <p>23 question. I'll ask you.</p> <p>24 You did a thorough investigation on the</p> <p>25 case, right?</p>	<p>DIRECT - BONJEAN Page 79</p> <p>1 You can answer.</p> <p>2</p> <p>3 BY MS. BONJEAN:</p> <p>4 Q. As far as you know?</p> <p>5 A. As far as I know, he did things that I</p> <p>6 thought were different. Not necessarily wrong.</p> <p>7 Q. Uh-huh.</p> <p>8 A. Just different.</p> <p>9 Q. Okay. What did he do?</p> <p>10 A. He asked for opinions from others.</p> <p>11 Q. And when you say, "others," who -- who</p> <p>12 are you referring to?</p> <p>13 A. Members of the county prosecutor's</p> <p>14 office.</p> <p>15 Q. Was this a case that went to the county</p> <p>16 prosecutor's office for review?</p> <p>17 A. For some reason, yes.</p> <p>18 MS. RILEY: Jennifer, whenever's a good</p> <p>19 time for you.</p> <p>20 MS. BONJEAN: Okay. Let me try to just</p> <p>21 get through this a little bit.</p> <p>22 BY MS. BONJEAN:</p> <p>23 Q. When you say, "for some reason," my</p> <p>24 understanding of the way it works, and you</p> <p>25 obviously would know way better than me, but when</p>
<p>DIRECT - BONJEAN Page 78</p> <p>1 A. Yes.</p> <p>2 Q. You did what was expected of you, right?</p> <p>3 A. Yes.</p> <p>4 Q. You followed the policies and procedures</p> <p>5 that were expected of you?</p> <p>6 A. Yes.</p> <p>7 Q. Were you influenced by any outside</p> <p>8 sources to make a finding that -- in a particular</p> <p>9 way?</p> <p>10 A. No.</p> <p>11 MS. RILEY: Object to the form.</p> <p>12 BY MS. BONJEAN:</p> <p>13 Q. Were you -- did you do any favors for</p> <p>14 anybody?</p> <p>15 MS. RILEY: Object to the form.</p> <p>16 A. No.</p> <p>17 BY MS. BONJEAN:</p> <p>18 Q. Okay. And the chief didn't call you and</p> <p>19 say -- I have some questions about this or that,</p> <p>20 right?</p> <p>21 A. Right.</p> <p>22 Q. And so -- and as far as you know, did</p> <p>23 the chief do any independent investigation of</p> <p>24 this case?</p> <p>25 MS. RILEY: Object to the form.</p>	<p>DIRECT - BONJEAN Page 80</p> <p>1 an internal affairs complaint goes in there's an</p> <p>2 automatic notification of the prosecutor's</p> <p>3 office, right?</p> <p>4 A. Yes.</p> <p>5 Q. And most times it just gets sent back to</p> <p>6 you, correct?</p> <p>7 MS. RILEY: Object to the form.</p> <p>8 BY MS. BONJEAN:</p> <p>9 Q. Correct, for an investigate -- on most</p> <p>10 occasions the case will be referred back or will</p> <p>11 stay with the internal affairs division for</p> <p>12 investigation, correct?</p> <p>13 A. Correct.</p> <p>14 Q. And my understanding, based on doing a</p> <p>15 lot of these depositions, is that the</p> <p>16 prosecutor's office would investigate if it</p> <p>17 involved a potential criminal act?</p> <p>18 A. Yes.</p> <p>19 Q. And -- or if it involved official</p> <p>20 misconduct, right?</p> <p>21 A. Yes.</p> <p>22 Q. And I'm guessing that they have the</p> <p>23 authority to keep a case if they want to; is that</p> <p>24 right?</p> <p>25 MR. GELFAND: Objection.</p>

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<p>DIRECT - BONJEAN Page 81</p> <p>1 You can answer.</p> <p>2</p> <p>3 BY MS. BONJEAN:</p> <p>4 Q. Or do they have to -- or does there have</p> <p>5 to be some criteria for them to keep the case</p> <p>6 consistent with the Attorney General guidelines?</p> <p>7 MS. RILEY: Object to form.</p> <p>8 You can answer.</p> <p>9 BY MS. BONJEAN:</p> <p>10 Q. If you know?</p> <p>11 A. I would say that they probably would</p> <p>12 have the authority.</p> <p>13 Q. Okay. And in this particular case</p> <p>14 involving the improper search, and I can only go</p> <p>15 on based on what you told me, it sounds like sort</p> <p>16 of a garden variety type of improper search,</p> <p>17 right?</p> <p>18 MS. RILEY: Object to tomorrow.</p> <p>19 MR. GELFAND: Object to form.</p> <p>20 BY MS. BONJEAN:</p> <p>21 Q. Do you understand what I mean?</p> <p>22 A. I don't.</p> <p>23 Q. Okay. There was nothing that stood out</p> <p>24 about this search as compared to other complaints</p> <p>25 of improper search, or was there?</p>	<p>DIRECT - BONJEAN Page 83</p> <p>1 question again?</p> <p>2 MS. BONJEAN: I don't know which</p> <p>3 question you're referring to, but --</p> <p>4 A. That I gave an answer on the last</p> <p>5 question that I actually answered.</p> <p>6 MS. BONJEAN: Okay. Let's go back to</p> <p>7 the record so that you know exactly how you</p> <p>8 answered it.</p> <p>9 THE REPORTER: Question: "All right.</p> <p>10 And for some reason this case you said was</p> <p>11 reviewed in some part by the prosecutor's</p> <p>12 office?"</p> <p>13 Answer: "Yes."</p> <p>14 Question: "Do you know who was</p> <p>15 responsible for making the decision that the</p> <p>16 case would be reviewed by the prosecutor's</p> <p>17 office?"</p> <p>18 Answer: "I can only assume it was the</p> <p>19 chief."</p> <p>20 BY MS. BONJEAN:</p> <p>21 Q. Do you want to change that answer?</p> <p>22 A. No. I just want to make sure that you</p> <p>23 said -- your question to me was who was</p> <p>24 responsible for --</p> <p>25 Q. Okay.</p>
<p>DIRECT - BONJEAN Page 82</p> <p>1 A. No.</p> <p>2 Q. Okay. I'm talking about the underlying</p> <p>3 facts not necessarily the players involved. But</p> <p>4 the allegations that were made, would you agree</p> <p>5 that they were similar to, or did they stand out</p> <p>6 in any way, as compared to any claims of improper</p> <p>7 searches?</p> <p>8 A. No.</p> <p>9 Q. Because improper search is not an</p> <p>10 uncommon civilian complaint, is it?</p> <p>11 A. No.</p> <p>12 Q. All right. And for some reason this</p> <p>13 case, you said, was reviewed in some part by the</p> <p>14 prosecutor's office?</p> <p>15 A. Yes.</p> <p>16 Q. Do you know who was responsible for</p> <p>17 making the decision that the case would be</p> <p>18 reviewed by the prosecutor's office?</p> <p>19 A. I can only assume it was the chief.</p> <p>20 Q. Okay. And do you know whether it went</p> <p>21 to the prosecutor's office for review before or</p> <p>22 after you completed your report?</p> <p>23 A. Excuse me. Can you go back?</p> <p>24 Q. Yes.</p> <p>25 A. The question you asked me, what was that</p>	<p>DIRECT - BONJEAN Page 84</p> <p>1 A. -- making sure that it was reviewed by</p> <p>2 the prosecutor's office.</p> <p>3 Q. Okay. We'll go back and clarify and do</p> <p>4 that line of question so you're comfortable with</p> <p>5 it. All right?</p> <p>6 A. Okay.</p> <p>7 Q. Okay. My understanding is that when an</p> <p>8 internal affairs complaint comes in, the</p> <p>9 prosecutor's office is automatically notified,</p> <p>10 right?</p> <p>11 A. Yes.</p> <p>12 Q. Okay. I don't know if I asked the</p> <p>13 question, but I'll ask it now. Who is</p> <p>14 responsible for notifying the prosecutor's office</p> <p>15 when a complaint is levied with the internal</p> <p>16 affairs division?</p> <p>17 A. Ultimately it would be the chief, but</p> <p>18 members in the internal affairs office will send</p> <p>19 the information over to the prosecutor's office.</p> <p>20 Q. Is it part of your practice as an</p> <p>21 internal affairs investigator to make sure that a</p> <p>22 copy of the complaint is forwarded to the</p> <p>23 prosecutor's office?</p> <p>24 A. To make sure that it had been</p> <p>25 forwarded --</p>



<p>DIRECT - BONJEAN Page 85</p> <p>1 Q. Yes.</p> <p>2 A. -- prior to? Yes.</p> <p>3 Q. Okay. I guess it gets forwarded to the</p> <p>4 prosecutor's office before it's assigned an</p> <p>5 investigator?</p> <p>6 A. Yes.</p> <p>7 Q. All right. So whoever is first -- first</p> <p>8 takes the case, maybe it was when you were like</p> <p>9 the first point person, one of your</p> <p>10 responsibilities was to send a copy to the</p> <p>11 prosecutor's office?</p> <p>12 A. No.</p> <p>13 Q. Okay.</p> <p>14 A. It wouldn't be my responsibility, it</p> <p>15 would be whoever handled the case prior to</p> <p>16 reaching the actual investigator.</p> <p>17 Q. Right.</p> <p>18 And, I'm sorry, I wasn't clear about</p> <p>19 this. You held that position at one point,</p> <p>20 right, back in 2007?</p> <p>21 A. No, I did not.</p> <p>22 Q. Okay. Maybe it changed.</p> <p>23 A. I may have typed up the information, but</p> <p>24 I believe the secretary's responsible.</p> <p>25 Q. Got it.</p>	<p>DIRECT - BONJEAN Page 87</p> <p>1 Q. Okay. And again, it's an assumption,</p> <p>2 but you said that it's your belief that the</p> <p>3 person with the authority to do that and involved</p> <p>4 the prosecutor's office would be the chief,</p> <p>5 right?</p> <p>6 A. Yes.</p> <p>7 Q. And do you know whether the prosecutor's</p> <p>8 office prepared any type of memorandum or report?</p> <p>9 A. Yes.</p> <p>10 Q. Okay. And that was, I suppose,</p> <p>11 incorporated into the internal affairs file in</p> <p>12 addition to your report?</p> <p>13 A. Yes.</p> <p>14 Q. And you would agree that the process</p> <p>15 that we have discussed was out of the ordinary?</p> <p>16 MS. RILEY: Object to the form.</p> <p>17 A. Yes.</p> <p>18 BY MS. BONJEAN:</p> <p>19 Q. Okay. And based on your prior</p> <p>20 testimony, it sounds to me like it's at least</p> <p>21 your theory that the chief had involved himself</p> <p>22 in a way that was unorthodox?</p> <p>23 MS. RILEY: Object to the form.</p> <p>24 MR. GELFAND: Objection. Form.</p> <p>25 You can answer.</p>
<p>DIRECT - BONJEAN Page 86</p> <p>1 All right. And with respect to the</p> <p>2 complaint on the improper search, ultimately the</p> <p>3 investigation was done by Atlantic City internal</p> <p>4 affairs division, yourself being the lead</p> <p>5 investigator, right?</p> <p>6 A. Yes.</p> <p>7 Q. Then subsequent to your investigation,</p> <p>8 the prosecutor's office got involved in reviewing</p> <p>9 the case?</p> <p>10 A. Yes.</p> <p>11 Q. Okay. And you don't know who is</p> <p>12 responsible for making that happen, but you do</p> <p>13 know you did not make that happen, right?</p> <p>14 A. Yes.</p> <p>15 Q. Okay. You didn't, on your own, reach</p> <p>16 out to the prosecutor's office and say, please</p> <p>17 review any work, right?</p> <p>18 A. Right.</p> <p>19 Q. Okay. But you do know and were informed</p> <p>20 at some point that they did review your work on</p> <p>21 that particular investigation?</p> <p>22 MS. RILEY: Object to the form.</p> <p>23 You can answer.</p> <p>24 A. Yes.</p> <p>25 BY MS. BONJEAN:</p>	<p>DIRECT - BONJEAN Page 88</p> <p>1 BY MS. BONJEAN:</p> <p>2 Q. Or just unusual?</p> <p>3 MS. RILEY: Object.</p> <p>4 You can answer.</p> <p>5 A. Yes.</p> <p>6 BY MS. BONJEAN:</p> <p>7 Q. And do you have a theory about what his</p> <p>8 interest was in that particular case?</p> <p>9 MS. RILEY: Object to the form.</p> <p>10 You can answer.</p> <p>11 And you know what? Before you do, is</p> <p>12 this an internal affairs case that pertains</p> <p>13 to the Costantino matter?</p> <p>14 MS. BONJEAN: It's not.</p> <p>15 MS. RILEY: Does anybody at this table</p> <p>16 have that IA file that she's been.</p> <p>17 MS. BONJEAN: No, but I intend to get</p> <p>18 it.</p> <p>19 MS. RILEY: Is that --</p> <p>20 MS. BONJEAN: No, but I -- I mean,</p> <p>21 there's an order issue.</p> <p>22 MR. GELFAND: I believe that my firm has</p> <p>23 the file in its possession. I don't believe</p> <p>24 I personally have seen it.</p> <p>25 And, frankly, I was concerned about the</p>

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1 same objection, too, if this is discovery  
2 that would actually pertain directly to, for  
3 example, the Castellani case based upon the  
4 officers whom she's identified as being  
5 targets of the internal affairs complaint who  
6 are defendants in the Castellani case.  
7 MS. BONJEAN: I probably have the  
8 case -- I probably have to file actually.  
9 MR. GELFAND: Probably do in the  
10 Castellani case because she mentioned  
11 Officer Lorady being one of the targets.  
12 MS. BONJEAN: Yeah, uh-huh.  
13 MS. RILEY: My only concern would be  
14 that I don't represent those officers and  
15 their attorney's not here on that issue.  
16 MS. BONJEAN: I'm not getting into their  
17 involvement in anything. And we can agree  
18 tat --  
19 MS. RILEY: I just want it on the  
20 record.  
21 MS. BONJEAN: We can agree that on  
22 internal affairs stuff, whatever internal  
23 affairs remains the subject to the  
24 confidentiality or even if someone's attorney  
25 is not here. That's -- and I just want to --

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1 if this is more of a process, I just want to  
2 get through this and we'll --  
3 MR. GELFAND: And it sounded to me like  
4 you, frankly, stumbled across this by asking  
5 a general question about having been  
6 overruled in internal affairs cases rather  
7 than specifically targeting this case, which  
8 is part of the reason I didn't object.  
9 MS. BONJEAN: Right. It's not about  
10 this specific case.  
11 But I'm just trying to understand the  
12 process of how it happens.  
13 BY MS. BONJEAN:  
14 Q. So I don't remember what my original  
15 question was. I'm not going to make the court  
16 reporter go back, I'm just going to ask a new  
17 question and I'll strike the one that was  
18 pending. Okay?  
19 A. Okay.  
20 Q. Did you have a conversation with the  
21 chief at any point about the fact that he had not  
22 concurred with your finding and then apparently  
23 at some point it was referred to the prosecutor's  
24 office for a separate investigation?  
25 A. I had no conversations with the chief.

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1 Q. Okay.  
2 MR. GELFAND: Objection to the form of  
3 the previous question.  
4 That's fine.  
5 BY MS. BONJEAN:  
6 Q. And I think you used the word somebody  
7 always knows something -- someone knows someone  
8 or everyone knows someone, right?  
9 A. Yes.  
10 Q. Okay.  
11 A. Something like that.  
12 Q. Okay. Was it your belief at that time  
13 that Chief White was reluctant -- we'll use that  
14 word -- to approve a finding against the  
15 particular sergeants involved in that complaint?  
16 MS. RILEY: Object to the form.  
17 You can answer.  
18 A. Okay. Repeat that question.  
19 BY MS. BONJEAN:  
20 Q. Was it your belief -- I'm not saying  
21 your belief was true or not true -- but was it  
22 your belief that Chief White didn't want to  
23 approve finding against these particular  
24 sergeants?  
25 A. Yes.

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1 Q. And do you know whether Chief White had  
2 a relationship or a friendship or any type of  
3 personal relationship with those particular  
4 sergeants?  
5 A. Sergeant [REDACTED] father was a captain at  
6 some point, so I believe he had some sort of a  
7 relationship. I'm not sure --  
8 Q. And --  
9 A. -- what the relationship was.  
10 Q. Sure.  
11 A. But they worked together.  
12 Q. Okay. Was it your belief that  
13 Chief White was reluctant to discipline  
14 [REDACTED] because of the fact that  
15 [REDACTED] father was a captain?  
16 A. That was my belief.  
17 Q. Okay. Did you have a similar belief  
18 with respect to sergeant -- I can't remember his  
19 name, the other sergeant?  
20 A. Her -- it's a she.  
21 Q. Oh, it's a she.  
22 A. [REDACTED]  
23 Q. [REDACTED]  
24 Did you have any theory about why  
25 Chief White was disinclined to discipline

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1 [REDACTED]  
 2 MS. RILEY: Object to the form.  
 3 A. He couldn't discipline one without  
 4 disciplining the other.  
 5 BY MS. BONJEAN:  
 6 Q. Okay.  
 7 A. That's my theory.  
 8 Q. Theory. I understand.  
 9 A. Okay.  
 10 Q. Okay. And did you voice your complaint  
 11 or -- about the situation to Lieutenant Pierce?  
 12 A. Yes.  
 13 Q. Okay. And did she agree with you?  
 14 A. Oh, wow.  
 15 MR. GELFAND: Objection to form.  
 16 You can answer.  
 17 A. (No verbal response.)  
 18 MR. GELFAND: Could we just start with  
 19 whether Lieutenant Pierce stated that she --  
 20 MS. BONJEAN: Yes.  
 21 MR. GELFAND: -- agreed or disagreed.  
 22 MS. BONJEAN: Yeah.  
 23 MR. GELFAND: So she's not answering  
 24 some speculating --  
 25 MS. BONJEAN: Sure.

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1 you're off base here. Or was she just --  
 2 A. We had numerous conversations.  
 3 Q. Okay.  
 4 A. And she was -- she had -- I guess it  
 5 would be fair to say she had -- at one point in  
 6 time she had one opinion and then maybe at  
 7 another point in time she had another opinion.  
 8 Q. Okay. Do you feel that she was  
 9 influenced to change her opinion with regard to  
 10 the situation at some point?  
 11 MR. GELFAND: Objection to the form.  
 12 You can answer.  
 13 A. Yes. And that influence could have come  
 14 in many ways, not just necessarily conversation  
 15 or speaking to anyone, but maybe through reading,  
 16 you know, opinion --  
 17 BY MS. BONJEAN:  
 18 Q. Okay.  
 19 A. -- and facts of the case.  
 20 Q. Sure. Do you know whether she reviewed  
 21 your report and the prosecutor's subsequent  
 22 report?  
 23 A. Yes.  
 24 Q. Okay.  
 25 MR. GELFAND: Yes you know that he she

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1 BY MS. BONJEAN:  
 2 Q. And I'm not asking you to speculate. I  
 3 may ask you what your theory or opinion is  
 4 sometimes, but with the understanding that you  
 5 don't have a factual -- you know, independent,  
 6 factual basis for it, but based on whatever, you  
 7 know.  
 8 A. Okay.  
 9 Q. Strike that.  
 10 What I mean to say is I may ask you for  
 11 your opinion sometimes.  
 12 A. Right.  
 13 Q. But I'm not asking you to speculate  
 14 about what someone thought. Okay?  
 15 A. Okay.  
 16 Q. You had a conversation with Lieutenant  
 17 Pierce about the situation with regard to the  
 18 internal affairs complaint related to the husband  
 19 and wife, right?  
 20 A. Yes.  
 21 Q. And you expressed to her your theory or  
 22 opinion about the finding being changed, right?  
 23 A. Yes, uh-huh.  
 24 Q. And did she say in sum and substance  
 25 yes, I agree with you, Gena, or no, I think

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1 did or --  
 2 THE WITNESS: Yes, I know that she did.  
 3 BY MS. BONJEAN:  
 4 Q. As you sit here today other than the  
 5 fact that there was a sergeant involved who  
 6 had -- whose father was a captain, was there  
 7 anything unique about this particular case that  
 8 you can think of, that you can identify --  
 9 A. Oh, wow.  
 10 Q. -- that would have made it garner all  
 11 this attention? I think you said that earlier.  
 12 A. Unique for me?  
 13 Q. Yeah. I mean, you have some experience  
 14 doing internal affairs investigations, right?  
 15 A. Yeah.  
 16 Probably the amount, again, of  
 17 conversation that took place before the facts of  
 18 the case were obtained.  
 19 Q. And what do you think accounted -- what  
 20 was -- why was there so much conversation  
 21 beforehand? Was it because of the sergeant  
 22 involved?  
 23 MS. RILEY: Object to the form.  
 24 BY MS. BONJEAN:  
 25 Q. From your perspective?

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1 A. Numerous reasons.  
2 The sergeants involved, definitely were  
3 a reason why.  
4 You know, it's not uncommon to -- to --  
5 for there to be a period where a particular  
6 allegation is made often, you know, for that  
7 whole month, this particular month a lot of  
8 people are coming into the office or making a  
9 complaint at some -- you know, in some way making  
10 the same type of complaint. That happens.  
11 No relationship -- it doesn't have to be  
12 the same officer involved.  
13 BY MS. BONJEAN:  
14 Q. Uh-huh.  
15 A. It doesn't have to be for any one reason  
16 than that the -- the most common complaint during  
17 that particular month or during that particular  
18 season.  
19 BY MS. BONJEAN:  
20 Q. All right. Well, things happen in  
21 trends, I think --  
22 A. Right.  
23 Q. -- is what you're saying, right?  
24 A. Right. Things happen in trends, they  
25 do.

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1 Q. All right. So -- but putting that  
2 aside, that there may have been a trend of  
3 improper search complaints being made; is that  
4 what you're kind of referring to?  
5 A. I think what I'm I trying to say is that  
6 those particular allegations of improper entry  
7 and improper search --  
8 Q. Uh-huh.  
9 A. -- were very common.  
10 Q. Uh-huh, right.  
11 A. So for this particular case to generate  
12 that type of buzz, that was very uncommon.  
13 Q. Okay.  
14 A. Okay.  
15 Q. And as you sit here today, do you know  
16 why or do you have a theory about why a fairly  
17 common type of complaint generated so much buzz?  
18 MR. GELFAND: Could we break it down  
19 first into know why and then the theory --  
20 MS. BONJEAN: Okay.  
21 MR. GELFAND: -- part?  
22 MS. BONJEAN: Sure.  
23 BY MS. BONJEAN:  
24 Q. Do you have a --  
25 MS. BONJEAN: Thank you.

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Pa

1 MR. GELFAND: Uh-huh.  
2  
3 BY MS. BONJEAN:  
4 Q. Do you know why that case generated so  
5 much buzz even though it involved a pretty comm.  
6 complaint?  
7 MS. RILEY: Object to the form.  
8 A. Numerous reasons.  
9 BY MS. BONJEAN:  
10 Q. Well --  
11 A. I don't know them all.  
12 Q. Okay. Well --  
13 A. It was definitely the players involved.  
14 And I just believe that at some point,  
15 the -- prematurely the facts of case were  
16 discussed at times when I wasn't even around. So  
17 there were just different -- there were things  
18 that were done that were just different and I  
19 wasn't accustomed to. Not with the matters that  
20 seemed to be confidential.  
21 Q. Do you feel that, like, rules of  
22 confidentiality were broken during the course of  
23 the investigation of that case?  
24 MS. RILEY: Object to form.  
25 A. Yes.

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1 BY MS. BONJEAN:  
2 Q. Did you break any rules of  
3 confidentiality?  
4 A. Not to my knowledge.  
5 Q. You just -- you did the best job you  
6 could understanding what your responsibilities  
7 were, right?  
8 A. Yes.  
9 Q. Okay. And other than the fact that the  
10 sergeant involved had a father who was a captain,  
11 can you point to anything about this case that  
12 would lead you to believe that it generated all  
13 this buzz?  
14 A. It -- I don't want to insinuate that  
15 it's only because of him.  
16 Q. Okay.  
17 A. Because that's not -- that's not what I  
18 believe at all.  
19 Q. Sure? It's not only because of him,  
20 but --  
21 A. No, I believe --  
22 Q. -- what other factors?  
23 A. Maybe the other sergeant involved.  
24 Q. Okay. And why?  
25 A. Why what?



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Q. Why would that particular sergeant -- did that sergeant -- I mean, does that sergeant have a particular reputation, a history, some family member? What about that sergeant might have led you to believe that she was a reason why the case generated so much buzz?

A. I'm trying to go back and remember everything.

She was -- she expressed, you know, dissatisfaction with the investigation itself.

Q. The investigation you did?

A. Yes. She expressed concern -- not to me per se, but maybe others.

She was not happy with my line of questioning.

Q. Okay.

A. She -- it was rumored that she had spoken to members of the Attorney General's office.

Q. Okay.

A. And that other officers may have reached out to other people that they knew also.

Q. Did you feel when you were in the internal affairs division that merely by doing your job and investigating internal affairs

1 A. Yes. Like I had said, she was not  
2 thrilled with a particular question that I asked  
3 her.

4 Q. What question was that?

5 A. Whew. Let's see, the complainant  
6 alleged that they believed they were handled the  
7 way that they were handled because they lived in  
8 a "black neighborhood."

9 Q. So was there a -- so did you ask --  
10 strike that.

11 So did you ask the sergeant something  
12 related to race?

13 A. I asked the sergeant -- yes. Something  
14 pertaining to the allegation I made by the  
15 complainant. So I had to -- it was my opinion  
16 that I was to -- you know, there's no way around  
17 that. You have to ask the question to, you know,  
18 see if there's any legitimacy to the allegations  
19 that were being made.

20 Q. Do you feel that there was pressure on  
21 you to avoid asking hard questions like regarding  
22 discrimination of police officers?

23 MS. RILEY: Object to the form.

24 MR. GELFAND: Object to the form, too.

25 I think your question could be taken to

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1 complaints you were at risk of being retaliated  
2 against by other officers?

3 A. Yes, absolutely.

4 MS. RILEY: Object to the form.

5 THE WITNESS: I'm sorry.

6 MS. RILEY: That's okay, you can answer.

7 A. Absolutely.

8 BY MS. BONJEAN:

9 Q. And one way that you could be retaliated  
10 against is they might complain to the Attorney  
11 General about something that had no merit?

12 MS. RILEY: Same objection.

13 You can answer.

14 A. Yes.

15 BY MS. BONJEAN:

16 Q. Any other ways in which you felt at risk  
17 of being retaliated against by other officers?

18 A. I learned that [REDACTED]  
19 threatened to sue at some point.

20 Q. Okay. So there was threat of litigation  
21 against?

22 A. Me.

23 Q. Against you?

24 A. Yes.

25 Q. For doing your job?

1 mean before of after --

2 MS. BONJEAN: Sure.

3 MR. GELFAND: -- she asked the question.

4 MS. BONJEAN: I'll strike it and start

5 over.

6 BY MS. BONJEAN:

7 Q. During your period investigating  
8 internal affairs complaints, did you feel that it  
9 was uncomfortable or that there was some  
10 pressure -- strike that again.

11 Did you feel that there was pressure to  
12 avoid asking questions that might make the  
13 officer feel uncomfortable about things like race  
14 or discrimination?

15 MS. RILEY: Object to the form.

16 You can answer.

17 A. I think that there were people who had  
18 an opinion about whether or not I should ask the  
19 question that I asked without knowing the facts.  
20 Without knowing what question was actually asked.  
21 And why I asked the question.

22 BY MS. BONJEAN:

23 Q. And who had an opinion that was -- that  
24 disagreed with your decision to ask the sergeant  
25 about the race issue?